

FEDERAL COMMUNICATIONS COMMISSION
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December 13, 2006

Jared S. Sher, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue NW
Washington, DC 20005-2111

Re: BMP San Antonio License Company, LP
KZDC (AM), San Antonio, Texas
Facility Identification Number: 65330
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed December 6, 2006, on behalf of BMP San Antonio License Company, LP ("BMP"). BMP requests special temporary authority ("STA") to operate Station KZDC pursuant to Section 73.1615.¹ In support of the request, BMP states that it has been notified that it must vacate the currently licensed site by December 14, 2006, and that it will not be able to complete construction of new facilities authorized by Construction Permit BP-20060726ASG prior to that date. BMP requests STA for operation from the permit site with a temporary nondirectional antenna and reduced power of 6.25 kilowatts daytime and 0.5 kilowatt nighttime.

Section 73.1615, which governs operation during modification of facilities, provides that AM licensees holding construction permits which involve directional facilities may discontinue operation, may operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitor points within licensed limits, may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power, may operate during daytime hours only in nondirectional mode with power reduced to 25% of construction permit directional power only as necessary to conduct nondirectional proof measurements, may operate during daytime hours with the substantially adjusted daytime or nighttime directional facilities authorized by the permit and with the power authorized by the permit only as necessary to take proof of performance measurements. Operating power shall be reduced to currently licensed levels when proof measurements are not being taken.

¹ KZDC is licensed for operation on 1250 kHz with 1 kilowatt daytime and 1 kilowatt nighttime, employing a directional antenna during nighttime hours only (DA-N-U). Construction Permit BP-20060726ASG authorizes construction of separate daytime and nighttime directional antenna facilities for operation with 25 kilowatts daytime and 2 kilowatts nighttime (DA-2-U).

Our review indicates that the requested daytime and nighttime nondirectional powers exceed the levels permitted by Section 73.1615. However, if the proposed operating power is reduced to one kilowatt daytime (except during nondirectional proof measurements) and 0.25 kilowatt nighttime, the proposal would comply with Section 73.1615. STA will be granted with a power reduction.

Accordingly, the request for STA IS HEREBY GRANTED, with a power reduction as discussed above. Station KZDC may operate pursuant to Section 73.1615 and the terms and conditions of Construction Permit BP-20060726ASG. In particular, the following modes of operation are authorized:

1. During daytime hours, from the authorized daytime site, with a nondirectional antenna and operating power not to exceed 6.25 kilowatts, only for the purpose of nondirectional proof of performance measurements. Reduce power to one kilowatt or less during any significant period of time when proof measurements are not being made.
2. During daytime hours, from the authorized nighttime site, with a nondirectional antenna and operating power not to exceed one kilowatt.
3. During daytime hours, with the substantially adjusted daytime or nighttime directional patterns and powers authorized by the permit, only as necessary for final adjustment and directional proof of performance measurements. Reduce power to one kilowatt or less during any significant period of time when proof measurements are not being made.
4. During nighttime hours, with a nondirectional antenna and operating power not to exceed 0.25 kilowatt.²
5. During nighttime hours, with the substantially adjusted directional pattern authorized by the permit, and reduced power not to exceed one kilowatt.

It will be necessary to further reduce power or cease operation if complaints of interference are received. BMP must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **June 13, 2007**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make

² Temporary nighttime nondirectional operation may be conducted from either site authorized by the permit.

operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: BMP San Antonio License Company, LP